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Via Electronic Mail and Overnight Mail

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**Re: General Electric Company's Response to Questions Nos. 8 through 28 in "Notice of Potential Liability and Request for Information Pursuant to Sections 107(a) and 104(e) of the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. §§ 9601-9675, relating to the PROTECO Site in Peñuelas, Puerto Rico"**

Dear Ms. Leshak and Ms. Luna:

As agreed with Ms. Leshak, General Electric Company ("GE") submits this Response to Questions Nos. 8 through 28 (the "Response") in the above-referenced Request for Information ("Request") dated March 28, 2019 from the United States Environmental Protection Agency ("EPA") concerning the PROTECO Site in Peñuelas, Puerto Rico (the "Site"). In addition to the narrative responses below, GE is also producing herewith a CD containing responsive documents bates stamped GE\_CARIBE000124-001689.<sup>1</sup>

**Preliminary Statement**

The Request was directed to Caribe General Electric Products, Inc. ("Caribe Products") c/o General Electric Company. Because Caribe Products is no longer a valid and existing corporate legal entity and cannot respond to the Request, GE has prepared this Response. In providing this Response, GE neither admits nor concedes any successor and/or parent liability relating to Caribe Products or any of its former predecessors or

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<sup>1</sup> GE provided responses to Questions Nos. 1 through 7 on May 24, 2019 (the "May 24 Response"), and produced documents bates stamped GE\_CARIBE000001-000103. GE also provided EPA with a supplemental production bates stamped GE\_CARIBE000104-000123 on June 19, 2019.



affiliates, and GE reserves any and all rights to contest that GE is liable for any liabilities of Caribe Products or any other legal entity relating to the Site.

In responding to the Request, GE has undertaken a thorough investigation designed to identify available existing documents and/or other information in its possession, custody or control, which included conducting in-person and telephonic interviews of former employees; conducting in-person file reviews at the former General Electric Controls, Inc. facility in Vega Alta, Puerto Rico (the "Controls Facility") and the former General Electric Gepol, Inc. facility in Arecibo, Puerto Rico (the "Arecibo Facility"); and retrieving from storage and reviewing thousands of documents for responsive information. GE's investigation required extensive coordination with, and reliance upon the cooperation of, ABB Verwaltungs Ltd. ("ABB"), the current owner and operator of the Controls and Arecibo Facilities.<sup>2</sup> Further, many of the Requests concern events that occurred as far back as 45 years ago, with the result that GE's access to information (relevant documents, knowledgeable employees, etc.) was limited by the mere passage of time. These factors, coupled with the fact that GE no longer maintains an active presence in Puerto Rico, has made responding to the Request particularly difficult. GE has nevertheless endeavored to respond to the Request to the extent reasonably possible.

The enclosed information is being provided in an effort to cooperate with EPA, without admitting or acknowledging that EPA has the authority to require production of the information requested, or that the statutory authority asserted in the Request is applicable. Additionally, nothing in this Response should be construed as an admission of any liability or responsibility on the part of GE regarding any costs incurred by EPA or any other party relating to the Site. GE reserves all defenses and rights available to it under the law. GE also reserves all rights to supplement and/or revise its objections and responses to the Request. Finally, in providing its Response, GE neither admits nor concedes any of the alleged facts, descriptions or characterizations of events set forth in the Request.

### **General Objections**

GE asserts the following General Objections to the Request, which General Objections are hereby incorporated in each and every response of GE to questions Nos. 8 through 28. To the extent GE responds to questions to which it objects, such objections are not waived by the furnishing or provision of information.

1. GE objects to the Request to the extent the Request exceeds the scope of EPA's authority under the statutory references cited in the Request.

2. GE objects to the Request as overly broad and unduly burdensome. The Request seeks information that is irrelevant and/or has no relation to the Site or relevance to this inquiry. GE objects to the Request because, based upon publicly available

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<sup>2</sup> As described in the May 24 Response, GE entered into a Stock and Asset Purchase Agreement with ABB on September 24, 2017 (the "SAP Agreement"), pursuant to which GE transferred substantially all assets relating to the Controls Facility and the Arecibo Facility to ABB. Accordingly, although GE maintains certain access rights to documents and other information relating to prior operations at these facilities under the SAP Agreement, such rights are limited and require coordination with, and the reasonable cooperation of, ABB.



information, the Site operated between 1975 to 1999 yet the Request is not limited to any specific timeframe. Further, GE objects to the Request because the Request seeks information regarding activities that took place decades ago at a level of detail that is impossible to provide without extreme burden and oppression, if at all.

3. GE objects to the Request to the extent it seeks information protected from disclosure by the attorney-client privilege, the attorney work-product doctrine, the joint defense privilege, and any other legally cognizable privilege or protection against disclosure. GE further objects to the Request to the extent it dictates the manner in which those privileges or protections are to be asserted.

4. GE objects to the Request to the extent that it seeks information in the possession, custody, or control of EPA, or any other local, state, or federal governmental authority. GE further objects to the Request to the extent that it seeks information that is a matter of public record.

5. GE objects to the Request to the extent that it seeks information outside of GE's possession, custody or control.

6. GE objects to the Request to the extent that it calls for a legal conclusion.

7. GE objects to the Request because it was directed to and concerns the defunct legal entity, Caribe Products.

8. GE specifically objects to the definition and use of the term "Company," which includes Caribe Products and all of its "predecessors and successors and all subsidiaries, divisions, affiliates, and branches." As explained in the May 24 Response, Caribe Products was formed in 1984 and ceased to exist as of 2001. In an effort to cooperate with EPA, GE is providing all available responsive information in its possession, custody or control concerning entities that were at one time affiliated in some way with Caribe Products, and for ease of reference uses the terms "Company" and/or "Caribe Products" to include all such affiliates where appropriate. In so doing, however, GE neither admits nor concedes any liability on the part of either Caribe Products or of GE, and reserves the right to contest any legal conclusion as to whether any entity is in fact the legal predecessor or successor to, or is otherwise liable for the activities of, the operators of the Facilities that are identified in the Request.

### **Responses to Request for Information**

**8. State the dates during which the Company owned, operated, or leased any portion of the Facilities, and provide copies of all documents evidencing or relating to such ownership, operation, or lease, including but not limited to purchase and sale agreements, deeds, leases, etc.**

Subject to and without waiving any of its objections, GE responds as follows:



#### The Controls Facility

Upon information and belief, General Electric Controls, Inc. leased the Controls Facility from the Puerto Rico Industrial Development Co. beginning in February of 1965. Under the SAP Agreement, the lease was transferred from GE Industrial of PR, LLC to ABB in late 2017. Pursuant to an interview of Esther Hernández, an Environmental Health & Safety Technician at the Controls Facility, the current owner of the property remains the Puerto Rico Industrial Development Co.

A redacted copy of the SAP Agreement was previously produced. After a reasonable investigation of available facility records, no other documents regarding site ownership history or lease information were identified.

#### The Arecibo Facility

Pursuant to a Lease Contract dated September 16, 1994, Caribe Products leased the Arecibo Facility from the Puerto Rico Industrial Development Co. since at least July 1, 1993, and presumably earlier given that operations began at the Arecibo Facility in 1973. The Lease Contract references an "Original Lease Contract" that was "extended until June 30, 1993"; the Original Lease Contract could not be located. Although the available Lease Contract specifies only a five-year term, the lease arrangement, or some variation of it, appears to have continued thereafter. Under the SAP Agreement, the lease for the real estate and building of the Arecibo Facility was transferred from GE Industrial of PR, LLC to ABB in late 2017.

A copy of the 1994 Lease Contract is produced herewith, and a redacted copy of the SAP Agreement was previously produced. After a reasonable investigation of available facility records, no other documents regarding site ownership history or lease information were identified.

#### The former General Electric Pilot, Inc. Facility (the "Pilot Facility")

Pursuant to a Lease dated June 20, 1966, General Electric Pilot Devices, Inc. leased the Pilot Facility from the Puerto Rico Industrial Development Co. starting on June 15, 1966. According to subsequent amendments to, and supplements of, the lease, dated December 6, 1967, January 3, 1977, and December 21, 1981, General Electric Pilot Devices, Inc. (later named Caribe Products) continued to lease the Facility from the Puerto Rico Industrial Development Co. through 1991. Upon information and belief, the lease arrangement, or some variation of it, appears to have continued thereafter until the Pilot Facility was closed in 2005.

The 1966 Lease and its subsequent amendments and supplements are produced herewith. After a reasonable investigation of available facility records, no other documents regarding site ownership history or lease information were identified.



The former General Electric Wiring Devices, Inc. Facility (the “Juana Díaz Facility”)

Pursuant to a Lease Agreement dated October 20, 1956, General Electric Wiring Devices, Inc. leased the Juana Díaz Facility from the Puerto Rico Industrial Development Co. for an initial period of 10 years beginning on the date of occupancy. The Juana Díaz Facility began operations in 1957. On February 26, 1962, the parties amended the lease to provide for an option to purchase the property. Upon information and belief, the lease was later assigned to Caribe Products, who, pursuant to a Site Purchase Agreement, exercised the option to purchase in 1987.

A title study conducted on October 30, 2006, by JGI Title Service, Inc. indicates that Caribe Products purchased the Juana Díaz Facility from the Puerto Rico Industrial Development Co. for \$177,814.83 on December 30, 1987.

The 1956 Lease Agreement, 1962 amendment, 1987 Site Purchase Agreement and 2006 title study are produced herewith.

Based upon information and belief, Caribe GE Wiring Devices, Inc., which at one point was a subsidiary of Caribe Products and the operating entity for the Juana Díaz Facility from 1993 to 1999, was sold on March 1, 1999 to Pass & Seymour, Inc. On March 29, 1999, Caribe GE Wiring Devices, Inc. filed a certificate of amendment with the Secretary of State in Delaware changing its name from “Caribe GE Wiring Devices, Inc.” to “P & S Caribe, Inc.,” a copy of which was produced in connection with GE’s May 24 Response and bates stamped GE\_CARIBE000073-77. The Juana Díaz Facility was closed in 2000, and on December 17, 2002, P & S Caribe, Inc. filed a certificate of dissolution with the Secretary of State in Delaware, a copy of which was produced in connection with the May 24 Response and bates stamped GE\_CARIBE000095.

After a reasonable investigation of available facility records, no other documents regarding site ownership history or lease information were identified.

**9. Indicate whether the Company has ever operated at a location other than the Facilities. If yes, provide the correct names and addresses of the Company’s other facilities where the Company carried out its operations.**

GE specifically objects to this question as overbroad and unduly burdensome to the extent that it requests information concerning the Company’s other facilities regardless of location and timeframe of operations, and regardless of whether the facilities had any relationship with or nexus to the Site, the subject of the Request. Subject to and without waiving any of its objections, GE responds that the Company operated at various locations other than the Facilities, including:

Electric Meters / Relays  
Road 402 KM1.5  
Añasco, Puerto Rico, 00610-1575



Distribution Components

Zona Ind'l El Retiro  
San German, Puerto Rico

Rd. #3, Km. 82.0  
Humacao, Puerto Rico

Route 129 KM 41  
Arecibo, Puerto Rico (*i.e.* the Arecibo Facility)

Fabrication

RD 2 KM 30.9  
Vega Alta, Puerto Rico (*i.e.* the Pilot Facility)

Distribution Transformer

Bo Bartinica  
Rd. 200, Esq. 201  
Vieques, Puerto Rico

Engineering Services

No. 101, Road 174  
Minillas Ind'l Park  
Bayamon, PR 00959

Controls

Rd 2 KM 30.1  
Vega Alta, Puerto Rico (*i.e.* the Controls Facility)  
  
Manatí, Puerto Rico

Plating

Route 129 KM 41  
Arecibo, Puerto Rico (*i.e.* the Arecibo Facility)

Wiring Devices

RD 149 KM 67  
Juana Díaz, Puerto Rico (*i.e.* the Juana Díaz Facility)

Electrical Vehicle Controls / Drive Systems

Patillas, Puerto Rico

Residential Products

Palmer, Puerto Rico

Power Breakers

Vega Baja, Puerto Rico

Based upon information and belief, the Company also had a facility in Arroyo, Puerto Rico and a facility in Maunabo, Puerto Rico at some point in time.



**10. Describe in detail the nature of the business and the operations conducted at the Facility [sic] and at any locations identified in response to Request #9, above, during the period that the Company operated there. Provide a brief description of the Company's operations at each facility, including the following:**

- a. The date such operations commenced and concluded; and**
- b. The types of work performed at each facility, including but not limited to the industrial, chemical, or institutional processes and treatments undertaken at each facility.**

GE specifically objects to this question and its subparts as overbroad and unduly burdensome to the extent that they request information concerning facilities other than those identified in the Request, regardless of location and timeframe of operations, and regardless of whether those facilities had any relationship with or nexus to the Site, the subject of the Request. By way of further explanation, over time, Caribe Products had or was affiliated with approximately 13 different business units, the operations of which evolved, transferred to new locations, or ceased altogether at different points in time. Subject to and without waiving any of its objections, GE responds as follows:

Through its multiple business units, Caribe Products provided manufacturing, sales, and service for a broad spectrum of consumer and industrial electrical products. Many of the business units fabricated and assembled electrical power distribution equipment, including electrical switches, lighting control panels, and relays, among other products. In general, the facilities used various industrial processes to manufacture these products, including the following:

- metal fabrication – including stamping, drilling, milling, sawing, tapping, welding and brazing;
- degreasing/heat treating;
- painting – using wet or dry processes;
- electroplating; and
- plastic molding.

Most of the facilities engaged in metal fabrication, degreasing/heat treatment and painting, while only certain facilities engaged in electroplating or plastic molding operations. Steel, copper, and aluminum were the principal metals received and fabricated into desired configurations, though in some cases, brass, bronze, or limited quantities of other metals were also used.

With respect to the nature of operations that occurred at the four Facilities identified in the Request, GE responds as follows:



### The Controls Facility

In February 1965, General Electric Controls, Inc. began operating at the Controls Facility manufacturing electronic switches and magnetic control overload devices. The Controls Facility manufactured a complete line of electromechanical and solid-state control components. Products manufactured included NEMA and IEC contactors and motor starts, industrial relays, overload relays, timers, pushbuttons, control stations, selector switches, indicating lights, mechanical limit switches, pressure switches, overload heaters, terminal boards and solenoids.

The primary on-site industrial processes included metal fabrication and assembly, degreasing/heat treating, and plastic molding. Electroplating activities were also conducted for a period of time, but were discontinued and transferred to the Arecibo Facility during the 1990s.

The Controls Facility's operations were transferred to ABB in late 2017 under the SAP Agreement.

### The Arecibo Facility

The Arecibo Facility began operations in 1973. The primary on-site industrial processes included metal fabrication and assembly, degreasing/heat treating, and electroplating. All of the Company's electroplating operations were consolidated at the Arecibo Facility during the 1990s. The Arecibo Facility's operations were transferred to ABB in late 2017 under the SAP Agreement.

### The Pilot Facility

The Pilot Facility began operations in June 1966, manufacturing electrical switches and various other electrical devices. According to Gladys Santiago, the Pilot Facility's Environmental Health & Safety Leader from 1990 to 1996, the Pilot Facility was a machine shop that engaged in drilling, welding, and assembly. The Pilot Facility never engaged in electroplating, according to Ms. Santiago. The Pilot Facility closed in approximately 2005.

### The Juana Díaz Facility

The Juana Díaz Facility began operations in August 1957, manufacturing florescent bulb starters, multiple plug taps, electrical plugs, electrical outlets, and pull chain fixture sockets. Unlike the other Facilities identified in the Request, the Juana Díaz Facility operated as part of the Company's lighting business and manufactured lighting-related parts. The primary on-site industrial processes included molding, metal stamping, and, as of 1971, electroplating and assembly. As noted above, all electroplating operations were consolidated at the Arecibo Facility during the 1990s. The Juana Díaz Facility closed in 2000.

## **11. Describe how the Company came to possess the hazardous substances that came to be located at the Site.**

GE specifically objects to this question as vague, confusing, argumentative, and improper, insofar as it assumes facts that have not been substantiated and thus requires



adoption of an assumption, namely that Caribe Products “possessed” hazardous substances that came to be located at the Site. GE objects to this question to the extent that it presumes that any hazardous substance used or “possessed” by Caribe Products has been found or located at the Site.

Subject to and without waiving any of its objections, GE refers to and incorporates herein its responses and objections to Questions Nos. 12, 13, and 18 as if set forth herein.

**12. List all hazardous substances used, generated, treated, stored, disposed of, manufactured, recycled, recovered, treated, or otherwise processed during the Company’s operations at the Facilities.**

GE specifically objects to this question as overbroad, unduly burdensome, and irrelevant to the extent that it requests a listing of all hazardous substances ever “used, generated, treated, stored, disposed of, manufactured, recycled, recovered, treated, otherwise processed” at any of the four Facilities, without limitation by timeframe or type of substance, and regardless of whether the hazardous substances may have been transported to or disposed of at the Site, the subject of the Request. GE also objects to this question to the extent that it calls for a legal conclusion regarding whether a material or substance constitutes a “hazardous substance.”

Subject to and without waiving any of its objections, GE responds that various raw materials likely containing hazardous substances were used in connection with the Facilities’ operations, including:

- acids associated with the electroplating process, including hydrochloric acid and sulfuric acid;
- solvents or volatile organics used for painting or parts cleaning, including 1,1,1-trichloroethane; and,
- wastewater treatment chemicals, including caustic soda, at the Arecibo and Juana Díaz Facilities (where on-site wastewater treatment facilities were present).

By way of further response, the Facilities did not manufacture hazardous substances in connection with their operations. With regard to the identification of hazardous substances generated, stored, disposed of, recycled, treated, or recovered or otherwise processed in connection with Facility operations, GE refers to and incorporates its response to Question No. 13 below.

For additional information concerning hazardous materials that may have been handled by the Facilities, GE refers to the following documents that are produced herewith:

GE\_CARIBE000513-520  
GE\_CARIBE000801-809  
GE\_CARIBE001499-1503



**13. List and fully describe all waste streams generated from the Company's operations, including solid, liquid, or any other type of waste.**

GE specifically objects to this question as overbroad, unduly burdensome, and irrelevant to the extent that it requests a listing of all waste streams generated from the Company's operations at any of its facilities, regardless of location and timeframe of operations, and regardless of whether the waste stream may have been transported to or disposed of at the Site, the subject of the Request. Subject to and without waiving any of its objections, GE responds as follows:

Manufacturing operations at the Facilities primarily generated scrap metal, which was stored on-site before being recycled off-site. Other solid wastes, including wood and cardboard, were also generated at the Facilities. Some of the Facilities generated hazardous wastes, which, depending on the nature of the Facility's operations, may have included electroplating sludge, paint wastes, or spent solvents. The hazardous wastes were typically stored on-site prior to off-site disposal.

Below is a detailed description of the waste streams associated with the Facilities identified in the Request during the Company's operations:

The Controls Facility

In 1980, hazardous wastes handled on-site were identified by the Controls Facility as FO01, FO06, FO07, FO08, FO09, and FO17. See Notification of Hazardous Waste Activity, dated August 5, 1980, produced and bates stamped GE\_CARIBE001325.

Electroplating activities were conducted at the Controls Facility until the 1990s when these activities were discontinued. The Controls Facility had two small electroplating lines that generated electroplating sludge. According to a Remedial Investigation Report, dated May 1986 (the "1986 Remedial Investigation Report"), a copy of which is produced and bates stamped GE\_CARIBE001626,<sup>3</sup> the electroplating sludge was collected on-site in a hopper and then placed in reinforced plastic one-cubic-yard bags. The bagged electroplating sludge was then shipped to the continental United States for recovery of metals, according to the Report.

1,1,1-trichloroethane was also used at the Controls Facility for degreasing during the 1980s, according to the 1986 Remedial Investigation Report. Approximately one drum per month of 1,1,1-trichloroethane was shipped to the Controls Facility for degreasing operations. Trichloroethylene was reported to have been used in historical operations, although it was no longer used by the 1980s according to the 1986 Remedial Investigation Report. The Report also stated that spent solvents were collected in 55-gallon drums and were stored in a warehouse on the property for up to 90 days, after which the drums were shipped to the continental United States for off-site disposal.

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<sup>3</sup> GE located only part of the 1986 Remedial Investigation Report, which is produced and bates stamped GE\_CARIBE001626-001633. GE has been unable to locate the rest of the document.



Hazardous wastes generated by other Company facilities in Puerto Rico would sometimes be consolidated at the Controls Facility where they would be stored for eventual off-site disposal, according to information provided by former employee Milagros Ruiz Chaar. According to Ms. Chaar, as of 1986, and possibly earlier, all hazardous wastes generated at the Facilities were transported to the continental United States for off-site disposal.

Additional information concerning the Controls Facility's waste streams is set forth in the documents produced and bates stamped GE\_CARIBE001054-001196.

#### The Arecibo Facility

The Arecibo Facility generated electroplating sludge as part of its electroplating operations, which included zinc and chromate plating lines. Approximately four to five 55-gallon drums of the electroplating sludge were generated weekly, according to a RCRA Facility Assessment Report, dated 1988, for the Arecibo Facility (the "Arecibo RCRA Assessment"), a copy of which is produced herewith.<sup>4</sup> Based upon an Environmental Assessment for the Arecibo Facility dated from approximately 1992 (the "Arecibo EA"), the electroplating sludge was shipped to the continental United States for metals reclamation.<sup>5</sup>

The Arecibo Facility also used 1,1,1 trichloroethane as a degreaser in its operations. The Arecibo Facility generated approximately 300 pounds of spent 1,1,1-trichloroethane as of 1988, according to the Arecibo RCRA Assessment. Spent 1,1,1-trichloroethane was recycled by Safety Kleen Envirosystems in Manatí, Puerto Rico, according to the Arecibo EA.

D001 paint waste was also generated at the Arecibo Facility in connection with molding processes, but molding operations ceased at the Arecibo Facility in 1992. The paint waste was recycled by Safety Kleen Envirosystems, based on the Arecibo EA.

The Arecibo Facility had an on-site wastewater treatment unit. The effluent from the wastewater treatment unit was discharged to the publicly-owned treatment works. In 1992, it was estimated that the average daily volume of effluent discharged to the publicly-owned treatment works was 72,000 gallons. All wastewater resulting from the electroplating process was treated at the wastewater treatment unit. F007, F008, and D002 wastes, all of which were generated on-site, were processed at the Arecibo Facility's wastewater treatment unit, according to the Arecibo EA.

#### The Pilot Facility

According to the 1986 Remedial Investigation Report, referenced above, the Pilot Facility used 1,1,1-trichloroethane as part of its degreasing operations in 1983. The Report does not address whether or to what extent the degreasing operations generated waste.

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<sup>4</sup> GE located only part of the Arecibo RCRA Assessment, a copy of which is produced and bates stamped GE\_CARIBE001618. GE has been unable to locate the rest of the document.

<sup>5</sup> GE located only part of the Arecibo EA, a copy of which is produced and bates stamped GE\_CARIBE000753. GE has been unable to locate the rest of the document.



Further, according to a Notification of Hazardous Waste Activity, dated May 5, 1980, produced and bates stamped GE\_CARIBE001342, hazardous wastes handled on site at the Pilot Facility were identified as F007 and F017.

Additional information concerning the Pilot Facility's waste streams was provided by former employees. According to the Pilot Facility's former Environmental Health & Safety Leader, Gladys Santiago, the Pilot Facility's machinery used lubricants and oils, thereby generating waste that consisted of rags with oil, rags with coolant, and absorbent pads. This waste was transported by a vendor for off-site disposal. The Pilot Facility's operations also generated scrap metals that were sold.

In addition, the Pilot Facility's operations generated coolant sludge and oil sludge that was treated on-site in a recycling system. The recycling system generated sludge that was transported off-site for disposal in 55-gallon drums by a vendor.

Ms. Santiago recalled that the Pilot Facility used a single vendor to handle all of the Facility's off-site waste transport and disposal. She recalled that Safety Kleen EnviroSystems was the Pilot Facility's vendor when she started in 1990, but the vendor was changed to Clean Harbors in 1993 pursuant to a Company-wide contract. She recalled that both vendors transported wastes to locations in the continental United States for disposal. She did not recall the Facility arranging for the disposal of waste at the Site and she did not recall ever having heard of the Site.

Carlos Rodriguez, who was the Pilot Facility's Environmental Health & Safety Manager between 2002 and 2004, recalled that the Facility used Clean Harbors for waste disposal, including for both hazardous and non-hazardous wastes, during his tenure as well.

#### The Juana Díaz Facility

The Juana Díaz Facility began electroplating of manufactured electric devices beginning in 1971, including zinc, nickel, and tin electroplating processes. As explained in GE's response to Question No. 18, which is incorporated herein by reference, electroplating sludge from the Juana Díaz Facility was transported and disposed of by Servicios Carbareón, ceasing no later than 1980, according to an Environmental Baseline Study for the Juana Díaz Facility, dated September 1989, which is produced and bates stamped GE\_CARIBE000469 (the "Baseline Study").

The Baseline Study states that from 1980 to 1982, electroplating sludge generated at the Juana Díaz Facility was stored on-site in 55-gallon drums. Starting in 1982, this electroplating sludge was temporarily stored in bags on-site, and then transported to disposal facilities in the continental United States for reclamation.

The Juana Díaz Facility also generated D007 (chromate bath spent solution) and spent solvents. The chromate bath spent solution was transported to the continental United States for off-site disposal. The solvents were disposed of by Safety Kleen EnviroSystems.



The Juana Díaz Facility also generated non-hazardous wastes, including non-hazardous used oil and metal scrap, and rubber scrap from rubber heat compression molding. These non-hazardous wastes were sold or disposed of by Safety Kleen EnviroSystems and other providers at locations other than the Site, according to a RCRA Facility Assessment Report for the Juana Díaz Facility, dated December 1988 (the “Juana Díaz RCRA Assessment”), which is produced and bates stamped GE\_CARIBE000225.

The Juana Díaz Facility had an on-site wastewater treatment plant that operated from 1971 through 1988. The plant treated wastewater from the electroplating process through neutralization, chromate reduction, and solids settling prior to discharge to the publicly-owned treatment works.

Additional information concerning the Facilities’ waste streams is set forth in the environmental reports referenced in response to this question and other documents produced herewith.

**14. Describe in detail the handling, storage, and disposal practices employed by the Company for each waste stream resulting from the Company’s operations.**

GE specifically objects to this question as overbroad and unduly burdensome to the extent it seeks detailed information concerning the waste handling, storage and disposal practices of a defunct company that operated at multiple facilities for over 40 years, and without any limitation by location, timeframe of operations or other reasonable restriction. Subject to and without waiving any of its objections, GE refers to and incorporates by reference its responses and objections to Questions Nos. 13, 16, 17, and 18.

**15. Identify all individuals who had responsibility for the Company’s environmental and waste management decisions between 1975 and 1999 (e.g., responsibility for decisions regarding the disposal, treatment, storage, recycling, or sale of the Company’s hazardous substances, hazardous wastes, and industrial wastes).**

- a. **Provide each such individual’s job title, duties, dates performing those duties, supervisors for those duties, current position, and if applicable, the date of the individual’s resignation or termination.**
- b. **Provide the nature of the information possessed by each such individual concerning the Company’s waste management.**

GE specifically objects to this question and its subparts as overbroad and unduly burdensome because the subject matter of this Request concerns matters that occurred decades ago between 1975 and 1999, and therefore identifying “all individuals” with the level of detail requested in this question is effectively impossible. Subject to and without waiving any of its objections, GE responds as follows:

According to information provided by former employees, the Company’s decision-making process for waste transport and disposal evolved over time. For some period



before 1993, the individual Facilities were responsible for selecting vendors for off-site transport and disposal of waste. The Facility plant managers and engineers typically selected the vendors for their Facility during this time. This changed in or around 1993 when all of the Puerto Rico facilities had to use the same approved vendor, as selected by corporate headquarters. Corporate headquarters had a dedicated environmental department that would evaluate options and ensure that the selected vendors were audited and qualified.

By way of further response, among others, the following individuals may have been involved in the Company's environmental and waste management decisions between 1975 and 1999:

- Milagros Ruiz Chaar, former Environmental Specialist, Caribe Products.
  - Ms. Chaar was an environmental specialist from approximately 1986 to 1998, and was responsible for overseeing environmental matters and waste disposal at the various Company facilities in Puerto Rico. She provided advice to the facilities from a technical perspective regarding regulatory compliance and training. Ms. Chaar left GE in 1998 and is currently a lawyer in private practice.
- Amir Lastra, former GE Puerto Rico operations legal counsel.
  - Ms. Lastra was GE's Puerto Rico operations legal counsel starting in 1992. She is currently employed by ABB.
- Jeff Sommer, business operations leader who was involved with Puerto Rico operations, current GE employee.
  - Mr. Sommer is a current General Electric Steam Power Employee who was involved with GE's Puerto Rico operations between approximately 1990 to 2007.
- José Castro Reyes, Environmental Health & Safety Manager at the Arecibo Facility from 1992-1998.
  - Mr. Castro began as an employee of Caribe Products in 1992 as a member of the Environmental Health & Safety team at the Arecibo Facility. He is currently an employee of ABB where he works in the advanced manufacturing engineering department supporting various ABB facilities in Puerto Rico, including the Controls Facility.
- Gladys Santiago, Environmental Health & Safety Leader at the Pilot Facility from 1990 to 1996.
  - Ms. Santiago was the Environmental Health & Safety Leader at the Pilot Facility from 1990 to 1996 where she oversaw environmental and waste disposal issues at the Pilot Facility, including permitting and compliance matters, as well as the Facility's health and safety program. In 1996, she was promoted to a corporate position where she was responsible for occupational health concerns, including clinics, physician contracting, and nurse training. She is now retired.



- Eduardo Buso, former General Counsel and Assistant Secretary, Caribe Products.
  - Mr. Buso may have information about Caribe Products' operations from the early 1980s. Mr. Buso is not a current GE employee and did not respond to requests for information.
- Emilio Concepción, former plant manager at the Controls Facility during early 1980s.
  - Mr. Concepción is not a current GE employee and did not respond to requests for information.
- Lou Cercone, former plant manager at the Arecibo Facility during the 1990s.
  - Mr. Cercone is not a current GE employee and was unavailable to provide information due to illness.
- Roberto Miranda, former Environmental Health & Safety Manager at the Controls Facility during the 2000s.

The following individuals also have information concerning the Company's historical environmental and waste management practices:

- Maribel Suárez Rivera, Environmental Health & Safety Manager at the Arecibo Facility from 2004 until 2018.
  - Ms. Suárez was Environmental Health & Safety Manager for the Arecibo Facility from 2004 to 2018. She is currently employed by ABB and leads the Environmental Health & Safety department for ABB's Puerto Rico operations.
- Jaime Romero, former member of the Environmental Health & Safety department at the Arecibo Facility.
  - Mr. Romero began working at the Arecibo Facility in 1992. He is currently an employee of ABB where he works at the Arecibo Facility as part of the Environmental Health & Safety team.
- Alfredo Olivo Córdova, former Environmental Health & Safety plant manager at the Controls Facility.
  - Mr. Olivo began working at the Controls Facility in 1997 as an EHS apprentice. In 2004, he became the Environmental Health & Safety Manager for the Controls Facility. He is currently an employee of ABB where he works at other ABB facilities.
- Carlos Rodríguez, former Environmental Health & Safety Manager at the Controls and Pilot Facilities.
  - Mr. Rodríguez was the Environmental Health & Safety Manager for both the Controls and Pilot Facilities between 2002 and 2004.

Also, according to documents reviewed in preparing this Response, the following individuals may also have been involved in environmental and waste management decisions between 1975 and 1999:



- Luis A. Yordan, former Environmental Coordinator, Caribe Products, from approximately 1994 to 1996;
- Stephen Brown, former Environmental Coordinator, Caribe Products, circa late-1980s;
- Jose A. Marques, former Environmental Coordinator, Caribe Products, circa 1980s;
- Jerry Purdy, Plant Manager, Juana Díaz Facility, circa 1991;
- John Tucker, Plant Manager, Pilot Facility, circa 1988; and,
- Robert I. Schauseil, Plant Manager, Juana Díaz Facility, circa 1980-1988.

**16. For each type of hazardous substance, hazardous waste, and industrial waste used or generated by the Company, describe the Company's agreements or other arrangements for its disposal, treatment, storage, recycling, or sale.**

- a. Provide any agreement and document, including waste logs, journals, manifests, or notes, related to any transfer of hazardous substances, hazardous wastes, and industrial wastes from the Company's Facility that came to be located at the Site.**
- b. Provide all correspondence and written communications between the Company and each owner/operator of the Site regarding the Company's hazardous substances, hazardous wastes, and industrial wastes that came to be located at the Site.**

GE specifically objects to this question and its subparts as overbroad, unduly burdensome, and irrelevant to the extent they seek information concerning agreements or other arrangements for the disposal, treatment, storage, recycling or sale of waste that did not involve or relate to the Site, the subject of the Request. GE also specifically objects to this question and its subparts to the extent they purport to require GE to describe all such agreements or arrangements for a defunct company that operated at multiple facilities for over 40 years, and without limitation by location, timeframe of operations, or other reasonable restriction.

Subject to and without waiving any of its objections, GE responds that, according to former employee Milagros Ruiz Chaar, the Company had very formal procedures for handling hazardous materials in the 1980s and 1990s. Starting in 1993, hazardous waste disposal service provider contracts typically covered all of the facilities in Puerto Rico.

By way of further response, GE refers to and incorporates by reference its responses to Questions Nos. 13, 15, and 18, which also address certain arrangements for the disposal, treatment, storage, recycling, or sale of waste.

Finally, Documents responsive to subparts (a) and (b) of this question are produced herewith.



**17. Provide agreements and documents related to the following, including waste logs, journals, manifests, or notes, as set forth below:**

- a. The locations where the Company sent each type of hazardous substance, hazardous waste, and industrial waste for disposal, treatment, or recycling;
- b. List all Waste Transporters used by the Company;
- c. For each type of hazardous substance, hazardous waste, and industrial waste, specify which Waste Transporter picked it up;
- d. For each type of hazardous substance, hazardous waste, and industrial waste, state how frequently each Waste Transporter picked up such waste
- e. For each type of hazardous substance, hazardous waste, and industrial waste, provide the volume picked up by each Waste Transporter (per week, month, or year);
- f. For each type of hazardous substance, hazardous waste, and industrial waste, identify the dates (beginning & ending) such waste was picked up by each Waste Transporter;
- g. Indicate the ultimate location for each type of hazardous substance, hazardous waste, and industrial waste. Provide all documents indicating the ultimate disposal/recycling/treatment location for each type of hazardous substance, hazardous waste, and industrial waste;
- h. Describe how the Company managed pickups of each hazardous substance, hazardous waste, and industrial waste including but not limited to:
  - i. The method for inventorying each type of hazardous substance, hazardous waste, and industrial waste;
  - ii. The method for requesting each type of hazardous substance, hazardous waste, and industrial waste to be picked up;
  - iii. The identity of the Waste Transporter employee/agent contacted for pickup of each type of hazardous substance, hazardous waste, and industrial waste; and



**iv. The amount paid or the rate paid for the pickup of each type of hazardous substance, hazardous waste, and industrial waste**

**i. Identify the individual or organization that selected the location where each of the Company's wastes were taken. Describe the basis for and provide any documents supporting the answer to this Request.**

GE specifically objects to this question and its numerous subparts as overbroad, unduly burdensome, and irrelevant to the extent they seek information concerning transactions and arrangements for the disposal, treatment, storage, recycling or sale of waste that did not involve or relate to the Site, the subject of the Request. GE also specifically objects to this question and its numerous subparts to the extent they purport to require GE to provide very detailed and specific information concerning such transactions and arrangements for a defunct company that operated at multiple facilities for over 40 years, and without limitation by location, timeframe of operations, or other reasonable restriction.

Subject to and without waiving any of its objections, GE refers to and incorporates by reference its responses and objections to Questions Nos. 13, 15, 16, and 18. Responsive documents are also produced herewith, subject to GE's general and specific objections.

**18. If not already provided, specify the dates and circumstances when the Company's hazardous substances, hazardous wastes, and/or industrial wastes were sent, brought, or moved to the Site, and identify the names, addresses, and telephone numbers of the person(s) making arrangements for the containers (e.g., 55-gallon drum, dumpster, etc.) holding hazardous substances, hazardous wastes, and/or industrial wastes to be sent, brought, or transported to the Site. Please also provide all documents that support or memorialize the answer to this Request.**

GE specifically objects to this question as improper and argumentative insofar as it assumes facts that have not been substantiated, namely that the Company's hazardous substances, wastes, and/or industrial wastes were sent to the Site. Subject to and without waiving any of its objections, GE refers to and incorporates its responses and objections to Question No. 13 as if stated herein.

By way of further response, based on information provided in the Baseline Study referenced above, the Juana Díaz Facility generated electroplating sludge that was transported and disposed of by Servicios Carbareón during the 1970s. By 1979, the Juana Díaz Facility stopped using the services of Servicios Carbareón when the Site began to receive citations from the Puerto Rico Environmental Quality Board, according to the Baseline Study. Thereafter, starting in the 1980s, electroplating sludge generated by the Juana Díaz Facility was transported to disposal facilities located in the continental United States.

According to a hazardous waste manifest dated December 3, 1980, the Controls Facility used Servicios Carbareón to transport and dispose of 3,960 gallons of



electroplating sludge (FOO6) and 440 gallons of spent solvent (FOO2) (1,1,1 trichloroethane). See Attachment D to the Request.

According to a hazardous waste report dated March 17, 1982, the Pilot Facility used Servicios Carbareón to transport and dispose of 2,800 lbs. of paint waste and 3,656 lbs. of spent halogenated solvent (FOO2). See Attachment D to the Request.

According to former employee Milagros Ruiz Chaar (and corroborated by former employees Jaime Romero and José Castro Reyes), as of 1986, and possibly earlier, all hazardous wastes generated at the Facilities, including electroplating sludge, were transported to the continental United States for off-site disposal. Only non-hazardous wastes were sent to disposal facilities in Puerto Rico thereafter. Most non-hazardous wastes generated at the Facilities were sent for disposal to Safety-Kleen's disposal facility in Manatí, Puerto Rico. Non-hazardous waste manifests dated from 1996 and 1997 reflect that some non-hazardous wastes, including coolant with water and oily debris, were transferred from the Controls Facility to the Site in 1996 and 1997.

Documents responsive to this question are produced herewith, subject to GE's general and specific objections.

**19. Identify, describe, and provide all documents that refer or relate to the following:**

- a. The nature, including the chemical content, characteristics, physical state (e.g., solid, liquid), and quantity (volume and weight) of all hazardous substances, hazardous wastes, and industrial wastes involved in each arrangement transferring materials from any facility owned or operated by the Company (including the Facility) to any other facility;**
- b. In general terms, the nature and quantity of the non-hazardous substances involved in each such arrangement;**
- c. The hazardous substances being mixed or combined with other hazardous substances or non-hazardous substances for each such arrangement. Indicate whether such mixing or combining is common in the industry. Indicate whether the Company was ever asked to stop mixing or combining the hazardous substances with the non-hazardous substances;**
- d. Other materials other than the hazardous substances that were involved in the transaction;**
- e. The condition of the transferred material containing hazardous substances when it was stored, disposed of, treated, or transported for disposal or treatment;**



- f. The markings on and type, condition, and number of containers in which the hazardous materials were contained when they were stored, disposed, treated, or transported for disposal or treatment; and**
- g. All tests, analyses, analytical results, and manifests concerning each hazardous substance, hazardous waste, and industrial waste involved in each transaction. Include information regarding who conducted the test and how the test was conducted (batch sampling, representative sampling, splits, composite, etc.).**

GE specifically objects to this question and its numerous subparts as overbroad, unduly burdensome, and irrelevant to the extent they seek information concerning transactions and arrangements that did not involve or relate to the Site, the subject of the Request. Subject to and without waiving any of its objections, GE refers to and incorporates by reference its responses and objections to Questions Nos. 13, 16, and 18, and the documents cited therein. Additional responsive documents are produced herewith, subject to GE's general and specific objections.

**20. Indicate how long the Company has had a relationship with the owner(s) and/or operator(s) of the Site.**

GE specifically objects to this question as vague and subject to multiple interpretations to the extent it uses the word "relationship." GE will interpret "relationship" to mean commercial business relationship relating to the transportation and/or disposal of waste. GE also specifically objects to this question as improper and argumentative to the extent that it presumes that Caribe Products has or had a relationship with the owner and/or operator of the Site. Subject to and without waiving any of its objections, GE responds that Caribe Products no longer exists and therefore does not have a relationship with the owner or operator of the Site. Further, upon information and belief, none of the Facilities arranged for the disposal of any hazardous wastes at the Site after 1982. Based on relevant records reviewed and interviews with former employees, it does not appear as though the Company nor any of the Facilities had any relationship or nexus with the Site thereafter until 1996 when the Controls Facility arranged for the transport of some non-hazardous wastes to the Site. Upon information and belief, the Company did not have any relationship or nexus to the Site after 1997.

**21. Identify any individuals, including former and current employees, who may be knowledgeable of the Company's operations and practices concerning the handling, storage, and disposal of hazardous substances.**

Subject to and without waiving any of its objections, GE refers to and incorporates its responses and objections to Question No. 15.

**22. Please provide all documents, if not already requested above, that support your responses to Requests #1 - #21, above.**



GE specifically objects to this question as vague, overbroad, and confusing as the word “support” has multiple meanings. GE will interpret “support” to mean “relied on in preparing responses.” Subject to and without waiving any of its objections, responsive documents are produced herewith.

**23. If any of the documents solicited in this information request are no longer available, please indicate the reason why they are no longer available. If the records were destroyed, provide us with the following:**

- a. The Company’s document retention policy between 1975 and 2018;**
- b. A description of how the records were destroyed (burned, trashed, etc.) and the approximate date of destruction;**
- c. A description of the type of information that would have been contained in the documents;**
- d. The name, job title, and most current address known by you of the person(s) who would have produced these documents, the person(s) who would have been responsible for the retention of these documents, the person(s) who would have been responsible for the destruction of these documents, and the person(s) who had and/or still may have the originals or copies of these documents; and**
- e. The names and most current address of any person(s) who may possess documents relevant to this inquiry.**

GE specifically objects to this question and its numerous subparts as overbroad and unduly burdensome because the Request seeks information and documents relating to a defunct company that operated at multiple facilities for over 40 years, and that no longer exists. Further, each of the Facilities identified in the Request have either closed or were transferred to ABB in 2017. Under the circumstances, records may have been lost due to the mere passage of time, closure or transfer of facilities, etc., making it impossible for GE to document if, how, or when potentially responsive documents may have been lost.

Subject to and without waiving any of its objections, GE responds that, according to information provided by Esther Hernández, an Environmental Health & Safety Technician at the Controls Facility, on or around the year 2004, an unknown number of facility records were destroyed due to a mold infestation in the Control Facility’s filing area. Upon a review of the available waste records for the Controls Facility, it was discovered that records dated before 1994 were unavailable, presumably due to the mold infestation. Interviews of other former employees did not reveal any additional information as to the potential loss of any records that could be responsive to this Request.



**24. Please provide copies of the Company's financial statements, shareholder's reports, financial audits, or other financial reports showing its assets, profits, liabilities, and current financial status for the last five years.**

Subject to and without waiving any of its objections, GE responds that Caribe Products ceased to exist as of December 20, 2001 and therefore there are no records responsive to this question.

**25. List and provide a copy of all agreements or contracts, including but not limited to insurance policies and indemnification agreements, held or entered into by the Company or its parent corporation(s), subsidiary, or subsidiaries that could indemnify it against any liability that it may have under CERCLA for releases or threatened releases of hazardous substances at and from the Facility. In response to this Request, please provide not only those insurance policies and agreements that currently are in effect, but also provide those that were in effect during the period(s) when any hazardous substances, hazardous wastes, and/or industrial wastes may have been released or threatened to be released into the environment at or from the Facility.**

GE specifically objects to this question as vague and confusing because it is unclear which "Facility" it is referring to. GE also specifically objects to this question as irrelevant because the Request concerns the Site, not any releases or threatened releases of hazardous substances from any of the Facilities. Subject to and without waiving any of its objections, GE responds that it is not currently aware of any agreement or contract that could indemnify the Company against liability, if any, relating to the disposal of wastes at or from the Facilities but it is continuing to investigate this matter.

**26. State whether any claim or claims have been made by the Company to any insurance company for any loss or damage related to operation at the Site, and if so, identify each claim by stating the name of the claimant, the name and address of the insurance company, the policy number, the named insured on the policy, claim number, date of claim, amount of claim, the specific loss or damage claimed, the current status of the claim, and the amount, date, and recipient of any payment made on the claim.**

GE objects to this question as vague and confusing to the extent it uses the phrase "operation at the Site" because the Company did not operate at the Site. Subject to and without waiving any of its objections, based upon information and belief, no claim has been made by the Company relating to operation at the Site.

**27. If you have reason to believe that there may be persons able to provide a more detailed or complete response to any question contained herein or who may be able to provide additional responsive documents, identify such persons and the additional information or documents that they may have.**



Subject to and without waiving any of its objections, GE is not currently aware of any such persons. By way of further response, GE refers to and incorporates its responses to Questions Nos. 15 and 21.

**28. State the name, title, and address of each individual who assisted or was consulted in the preparation of the response to this Request for Information. In addition, state whether this person has personal knowledge of the information in the answers provided.**

GE specifically objects to this question as overbroad and unduly burdensome because the subject matter of this Request concerns matters that occurred between 1975 and 1999, and therefore, GE's efforts to respond to the Request required consulting multiple persons, including counsel, legal assistants, current employees, and to the extent possible, former employees. Subject to and without waiving any of its objections, GE responds that GE's legal counsel prepared this Response, including Monique Mooney, Executive Counsel, Global Operations, EHS, and Bonnie Harrington, Executive Counsel, GE Power, with the assistance of outside counsel from the law firm of Manko, Gold, Katcher & Fox LLP. The following individuals, among others, were also consulted in the preparation of this Response to the Request:

- Dawn Varrachi, EHS Technical Expert, GE Power
- Barry Hallock, EHS Leader, GE Lighting and Current
- Tom Gavagan, EHS Technical Expert, GE Aviation
- Jim Van Nortwick, EHS Technical Project Manager, GE
- Niel Walker, EHS Senior Project Manager, GE
- Edward Kolodziej, EHS Senior Project Manager, GE
- José Castro Reyes, former member of Environmental Health & Safety department at the Arecibo Facility, now employed by ABB
- Milagros Ruiz Charr, former Environmental Specialist, Caribe Products
- Amir Lastra, former GE Puerto Rico operations legal counsel, now employed by ABB
- Alfredo Olivo Córdova, former EHS plant manager at the Controls Facility, now employed by ABB
- Jaime Romero, former member of the Environmental Health & Safety department at the Arecibo Facility, now employed by ABB
- Esther Hernández, former member of the Environmental Health & Safety department at the Controls Facility, now employed by ABB



- Jeff Sommer, business operations leader who was involved with Puerto Rico operations, current General Electric Power employee
- Carlos Rodríguez, former Environmental Health & Safety Department Manager at the Controls and Pilot Facilities, now employed by ABB
- Maribel Suárez Rivera, former Environmental Health & Safety Manager at the Arecibo Facility, now employed by ABB
- Gladys Santiago, former Environmental Health & Safety Leader at the Pilot Facility, now retired.

Respectfully submitted,

/s/ *Monique Mooney*

Monique M. Mooney, Esq.  
GE Global Operations

Enclosure

cc: Kathleen Campbell, Esq. (via email)

CERTIFICATION OF ANSWERS TO REQUEST FOR INFORMATION

State/Commonwealth of Pennsylvania

County/Municipality of Montgomery

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document (response to EPA Request for Information) and all documents submitted herewith, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete, and that all documents submitted herewith are complete and authentic unless otherwise indicated. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment. I am also aware that I am under a continuing obligation to supplement my response to EPA's Request for Information if any additional information relevant to the matters addressed in EPA's Request for Information or my response thereto should become known or available to me.

MONIQUE MOONEY  
NAME (print or type)

EXECUTIVE COUNSEL  
TITLE (print or type)

[Signature]  
SIGNATURE

Sworn to before me this

24th day of June, 2019.

Kimberly A. Lawson  
Notary Public

